

# Legislative Fiscal Bureau

## Fiscal Note

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SF 2300 - Sentencing Options (LSB 5611 SV)  
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Fiscal Note Version - New  
Requested by Senator O. Gene Maddox

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### **Description**

Senate File 2300 amends criminal sentencing options. Section One permits a second or subsequent deferred judgment for certain drug-related offenses. Section Two changes the penalty for violations of Section 142C.10, Code of Iowa. Sections Three, Seven, and Eight create a different penalty for a crime committed against a person as opposed to a crime that is not committed against a person. Under the Bill, crimes that are not against a person have a shorter period of confinement. Sections Four through Six provide for a reopening of a judgment and sentence for certain crimes referred to as “85.0%” sentences. That is, under current law, an inmate must serve 85.0% of the sentence to be eligible for release from prison.

### **Assumptions**

1. Charge, conviction and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other correctional policies and practices will not change over the projection period.
3. The law will become effective July 1, 2002. A lag effect of six months is assumed, from the law's effective date to the date of first entry of affected offenders into the correctional system.
4. There were 9,432 offenders convicted under Chapter 124, Code of Iowa, during FY 2001. Of these, approximately 16.0% received deferred judgments. There is no readily available information with which to predict how many additional deferred judgments may be granted under Section One of SF 2300. However, to the extent that the number of deferred judgments granted increases, there will be a reduction in the use of incarceration and parole or probation supervision levels for these offenders.
5. There have been no convictions under Chapter 142C, Code of Iowa, in recent years. Therefore, there is no significant correctional or fiscal impact under Section Two of SF 2300.
6. Sections Three, Seven, and Eight reduce the penalty for property offenses. The average length of stay projected for property offenses under this Bill is based on the current average length of stay for these offenses in comparison with the current maximum terms for these offenses.
7. Sections Four through Six relate to reopening an 85.0% sentence. Given the provisions of the Bill, it is likely that if a county attorney opposes reopening a sentence, the Department of Corrections (DOC) and Board of Parole will not pursue the case.
8. Projections relating to sentencing reopening are based on the current length of stay for 85.0% prisoners, plus information from the Board of Parole. Approximately, 10 cases will be reopened annually, and all reopened cases will result in sentence reduction and parole. During FY 2007, 13 cases will be reopened and the sentences will be reduced.
9. Admissions to prison will not change. However, the length of stay in prison for inmates that committed property offenses will decrease.

10. The Board of Parole will incur additional costs associated with case reviews to consider reopening sentences. There are currently three part-time Board members who work 151 days per year. They receive \$267 per diem. Under the Bill's provisions, each part-time member will work an additional 24 days.
11. The Indigent Defense Program will incur additional costs associated with reopening sentences. The estimated cost per case is \$500.
12. There will be cost reductions for the Indigent Defense Program associated with redefining Class B felonies, non-person offenses. There are approximately 150 of these convictions annually. The savings per case is estimated to be \$1,300.
13. The Judicial Branch will incur additional costs associated with reopening sentences. The average cost is \$120 per case, which includes the expenses of a District Court Judge, court attendant, court reporter, and staff of the Clerk of Court.
14. The marginal cost per day for State prisons is \$16 per inmate.
15. Community-Based Corrections will experience an initial increase in parole cases. However, no long-term impact on caseloads is anticipated.

### **Correctional Impact**

Admissions to prison will not change. However, the average length of stay for certain inmates will decrease. The table below illustrates the cumulative impact on the prison population.

	<u>FY 2003</u>	<u>FY 2004</u>	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>
Sentence Reopening	- 10	- 20	- 30	- 40	- 53
Redefine Property Crimes	- 10	- 520	- 548	- 709	- 963
Total	<u>- 20</u>	<u>- 540</u>	<u>- 578</u>	<u>- 749</u>	<u>- 1,016</u>

The cumulative impact is different than the actual number of inmates released annually, due to the long length of stay under current law.

There is no significant impact on CBC parole or probation supervision.

### **Fiscal Impact**

The impact of SF 2300 will result in a net decrease in General Fund expenditures of \$189,000 in FY 2003 and \$3.4 million in FY 2004. The General Fund decrease in annual expenditures is detailed below:

	<u>FY 2003</u>	<u>FY 2004</u>
Sentencing Reopening		
Board of Parole	\$ 19,000	\$ 19,000
State Public Defender	5,000	5,000
Judicial Branch	1,000	1,000
DOC Prisons	- 58,000	- 117,000
Subtotal	<u>\$ - 33,000</u>	<u>\$ - 92,000</u>
Redefine Property Crimes		
State Public Defender	\$ - 98,000	\$ - 196,000
DOC Prisons	- 58,000	- 3,064,000
Subtotal	<u>\$ -156,000</u>	<u>\$ - 3,260,000</u>
Total General Fund Impact	<u>\$ -189,000</u>	<u>\$ - 3,352,000</u>

The prison system is currently operating at 117.0% of design capacity. The savings noted above may be a cost containment effort rather than an actual decrease in the operating budgets.

**Sources**

Department of Human Rights, Criminal and Juvenile Justice Planning Division  
Department of Corrections  
Board of Parole  
Iowa Supreme Court  
Office of the State Public Defender

/s/ Dennis C Prouty

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March 5, 2002

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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